

**Introduced by Senator Margett**February 10, 2004

---

An act to add Section 148.45 to the Penal Code, relating to crimes.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1205, as introduced, Margett. Automatic external defibrillator: vandalism.

Existing law proscribes the vandalism of fire protection equipment, as specified.

This bill would likewise prohibit the vandalism of automated or automatic external defibrillators. A violation of the prohibition would be a misdemeanor, punishable as specified, except if a person sustains great bodily injury or death as a result of the violation, in which case the violation would be a felony, punishable as specified. By creating new crimes, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 148.45 is added to the Penal Code, to  
2 read:



1 148.45. (a) Any person who willfully and maliciously  
2 tampers with, molests, injures, or breaks an automated or  
3 automatic external defibrillator shall be guilty of a misdemeanor  
4 and upon conviction shall be punishable by imprisonment in a  
5 county jail, not exceeding one year, or by a fine, not exceeding one  
6 thousand dollars (\$1,000), or by both that fine and imprisonment.

7 (b) Any person who violates subdivision (a) shall, if any person  
8 sustains great bodily injury or death as a result of that violation, be  
9 guilty of a felony and upon conviction shall be punishable by  
10 imprisonment in the state prison or by a fine of not less than five  
11 hundred dollars (\$500) nor more than ten thousand dollars  
12 (\$10,000), or by both that fine and imprisonment.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

